

Case Reference: HGY/2024/0914

One Pound Lane, N6 5TT

OBJECTION from Chris Hallatt Wells & Lucille De Silva, 13 Stanhope Gardens, N6 5TT

1. SUMMARY OF GROUNDS WHY THE APPLICATION IS INVALID

1.1 Application HGY/2024/0914 (the “Application”) is a retrospective planning application to:

- Retrospectively authorise the raising of the ground level of One Pound Lane (which was raised in 2023 in breach of planning control) by a maximum of 70cm; and
- Amend boundary details to mitigate the harm of overlooking and loss of privacy experienced by neighbouring properties as a direct consequence of raising ground levels in breach of planning control.

1.2 The Application would also act to retrospectively approve a breach of Haringey’s Local Plan_Development Management DPD_Chapter 2_Design & Character_DM7. See the separate objection collectively submitted by the residents of multiple properties on Stanhope Gardens.

1.3 The Application records a site meeting on 18 January 2024 with Nathan Keyte (Haringey planning officer) and Mr Keyte’s confirmation on 25 January 2024 detailing how the Application should proceed and the information that “**was needed to make a determination.**” See Application, page 3, 1.2 Planning Queries, paragraph 7.

1.4 However, the information in the Application for retrospective permission is insufficient to make a determination because it is – as evidenced – incomplete, inaccurate, misleading and potentially false:

1.4.1 Incomplete

Eg. the Application provided no information at all on a material drainage issue that had already been identified by the head of Haringey Building Control as a breach of building regulations Approved Document H and notified to the developer. See Schedule 1 pages 27 to 37.

1.4.2 Inaccurate

The topographical information submitted with the Application to quantify the increase of ground levels is shown to be materially inaccurate in two locations and could not be relied on.

Examples:

- 1.4.2.1** A site inspection by Russell Quick, Principal Officer, Haringey Planning Enforcement, confirmed that the ground level of the garage forecourt of One Pound Lane adjacent to the rear garden of 11 Stanhope Gardens has been raised by more than 100cm.

NOTE: If retrospective permission is granted¹, because of the inaccurate topographical information, there will still be a material and actionable breach of planning control (30cm) as permission has only been sought to increase ground levels up to 70cm.

- 1.4.2.2** The topographical plan that forms part of the Application shows that the ground level adjacent to the north east corner of the side extension of 13 Stanhope Gardens was raised by 28cm.

A site inspection conducted by Russell Quick, Principal Officer, Haringey Planning Enforcement, confirmed the ground level at this location has been raised by more than 45cm.

The difference is material. Ground levels can be raised up to 30cm without breaching planning control (unless the change is deemed to be an engineering operation). **An increase of 45cm is automatically a breach of planning control.**

1.4.3 Misleading information

Eg. To mitigate harm to neighbouring properties caused by overlooking, the Application seeks permission to raise boundary fences to a height measured from the new ground level of One Pound Lane.

However, the ground level of One Pound Lane has been raised by up to 1 meter. This means a fence that is 2 meters in height measured from One Pound Lane is 3 meters above the original ground level. If the ground had only been raised by the maximum amount stated in the Application (700mm) a fence that is 2 meters measured from One Pound Lane would be 2.7 meters above the original ground level of neighbouring properties.

¹ Which would be illegal on the grounds that the planning authority being a judicially reviewable authority has closed its eyes to the law and legal requirements, including its own policy statements and guidance.

Measuring the height of fences from One Pound Lane as proposed in the Application **materially underestimates the overall increase in the height of boundary features experienced by neighbouring properties, the consequential loss of light and the feeling of being oppressively enclosed.**

1.4.4 Potential false information

The Application may also include deliberately or recklessly false information.

Eg. the Application says that the level of the house has not been raised. This statement is inconsistent with a comparison of East/West elevations attached to the Application and application HGY/2019/3050. The statement is also inconsistent with the timeline regarding the discovery of the reason given to justify raising ground levels.

1.4.5 Evidence

Our objections to the Application submitted on 14 May 2024 are attached in Schedule 1. In these comments on the Additional Information, reference is made to evidence (photographs; GPS surveys & plans; sketches; and communications) included in such objections.

1.5 The Additional Information

1.5.1 To rectify deficiencies in the Application and the failure to provide the information required by the Haringey Planning officer to make a determination on the Application, in May 2024 the Developer was instructed by Haringey Planning to provide additional information (**Additional Information**).

1.5.2 The Developer was given several extensions of time to respond to the instruction. However, the letter from OCI Architecture containing the Additional Information (dated 29 July 2023, but published on Haringey's Planning Portal on 19 September 2024) is not – on a reasonable evaluation - a serious or good faith attempt to comply with the instruction from the Haringey Planning Officer and rectify the deficiencies in the Application.

1.5.3 Incomplete, inaccurate, misleading and materially false statements

The Additional Information itself is incomplete, inaccurate, misleading and may rely on materially false statements.

Eg. Changes in the ground levels. Haringey Planning instructed the developer: ***“Regarding change in levels – respond to the points raised regarding inaccuracies and changes.”***

Despite this clear instruction, the Additional Information does not dispute any of the points raised our objections to the Application. These objections include

evidence that shows the level of the House has likely been increased. See Schedule One pages 46 and 47.

The reasons put forward in the Additional Information to justify not complying with Haringey Planning's instruction are without merit.

A failure to object can therefore be interpreted as an admission that the observations and analysis detailed in Schedule One pages 46 and 47 are correct, and the level of the house has been raised. To contradict this interpretation, the Developer (or their agents on the Developer's behalf) should be asked to confirm the statement in the Application that the house has not been raised and provide an explanation for the material inconsistencies in the elevation drawings and the timeline.

1.6 CONCLUSION

Read together and separately, the Additional Information and the Application do not provide the information necessary to make a determination as detailed by Nathan Keyte, Haringey Planning Officer in January 2024 and May 2024.

In addition, the Application and Additional Information rely on incorrect, inaccurate, misleading and potentially false statements. The Application is therefore invalid.

Enforcement action should now be taken urgently to return the raised ground around One Pound Lane to the original level.

Information required by Haringey Planning in the Additional Information	Has any or sufficient information been provided? YES / NO	Evidence	Impact on Application
Information on the soakaway	NO	Rather than comply with the instruction and justify why the soakaway is compliant with building regulations, the Additional Information attempts to reclassify the soakaway to avoid giving a meaningful response. Further, much of the new information that is provided can be shown to be incorrect and/or misleading. Eg. A report from a civil engineer is submitted as independent expert evidence	Invalidates Application

		to support the Additional Information. However, key allegations in the Additional Information are shown by the report to be untrue. Also, The Additional Information does not provide a section of the soakaway, although this was requested.	
Information regarding installing new drainage beside by the soakaway	NO	The information that has been provided is incorrect and misleading. No data has been provided on rain water runoff across the garage forecourt. This is required to evaluate unsupported comments in the Additional Information that suggest the soakaway is sufficient. See comment 6 / page 14 below.	Invalidates Application
Respond to points raised regarding inaccuracies and changes in ground levels	NO	No new information has been provided at all. See pages 14-18 below	Invalidates Application
Fence details – indicate the maximum height of the proposed fences	NO	The proposed fence heights are still measured against the new ground level of Pound Lane, which was raised in breach of Planning Control and the Haringey Local Plan DM7. Measuring proposed fence heights from the raised ground level materially underestimates the actual increase in fence heights experienced by neighbours, because the raised fence will be installed on raised ground. The Developer has not requested access to neighbouring properties to measure the overall increase in boundary features. In addition, the topographical data in the Application has been shown to be materially inaccurate and cannot be relied upon. The errors in the topographical data in 2 locations were investigated and confirmed by Haringey Planning Enforcement	Invalidates Application

2. RESPONSE TO THE ADDITIONAL INFORMATION

The below sets out examples of where the Developer/Applicant has failed to respond adequately and responsibly to the requirements of Haringey Planning Authority.

Haringey request for additional information	<i>“Regarding the drainage of the site: Some additional information regarding the proposed soakaway would be useful to understand how this relates to the neighbouring sites, such as impacts on drainage – noting the installation of the fence to occur, would a drain be able to be installed to capture the water and drain to the public system?”</i>
Additional Information	<i>“The ‘soakaway’ refers to a runoff area where the water is absorbed by the soil and then gradually filters into the ground. It is not an engineered solution but a sustainable method for managing surface water. I acknowledge that the term ‘soakaway’ may not have been the most appropriate. What I intended to describe was a type of runoff area allowing water to slowly filter into the ground, rather than flowing directly into the neighbours’ gardens as previously noted.”</i>
COMMENT 1	A soakaway is a below-ground drainage feature that collects runoff rainwater and allows it to slowly filter into the ground. The Developer / Applicant was correct in the Application when they classified the drainage feature installed behind the rear gardens of 11 Stanhope Gardens and others as a soakaway. The proposal in the Additional Information to now reclassify the drainage feature they described as a soakaway is misleading. The fact that the Developer’s soakaway was poorly designed, badly executed and wrongly situated (on impermeable ground and too close to a boundary and building) so it breaches building regulations and UK Gov guidance on infiltration devices does not change its classification.
COMMENT 2	<i>“What I intended to describe was a type of runoff area allowing water to slowly filter into the ground”</i> The Application and an earlier planning application to change the surface detail of the driveway (from a permeable to an impermeable material) recognise that the subsoil is impermeable London Clay and water will not gradually filter into the ground.

	Is it misleading for the Additional Information to suggest that water will infiltrate into impermeable London Clay when the Application and other applications for the site have already recognised that water infiltration is not possible?
COMMENT 3	The Additional Information makes a statement that: <i>‘previously water flowed directly into neighbours’ gardens.’</i> ‘Previously’ is not defined, but is clearly intended to mean before the construction of One Pound Lane. <u>This statement not true. Previously the water did not directly flow into neighbours gardens. See the letter dated 24 July 2024 from the HTS civil engineer and submitted by the Developer as independent expert evidence supporting the Additional Information.</u> The HTS report notes that water was observed flowing into the driveway and Alford House. There is no suggestion in the HTS report that water from the site was observed to flow in to the rear gardens of properties on the north side of Stanhope Gardens. This would have been noteworthy. The HTS report confirms the commentary provided by neighbours who have lived in their houses for decades. Previously, neighbours’ gardens were adequately protected from rainwater ingress by a boundary brick wall (No. 9 Stanhope Gardens) and a low earth bank (11 Stanhope Gardens). These features directed rainwater away from their gardens towards the driveway that provides access to Stanhope Gardens and towards Alford House.
COMMENT 4	The Additional Information attempts to disguise the classification of this drainage feature because a soakaway in this location (on impermeable clay, within 5 meters of a building and 2.5 meters of a boundary) is a breach of building regulations. These are not obscure regulations. Document H is generally known to builders and building professionals. The Developer is not be expected to have full knowledge of UK building regulations. Their professional advisers do, however, have that obligation.
COMMENT 5	The email from Russell Quick to Chris Hallatt Wells dated 3 June 2024 records that Nathan Keyte, Planning Officer, had clarified to the Developer that a section of the soakaway was needed.

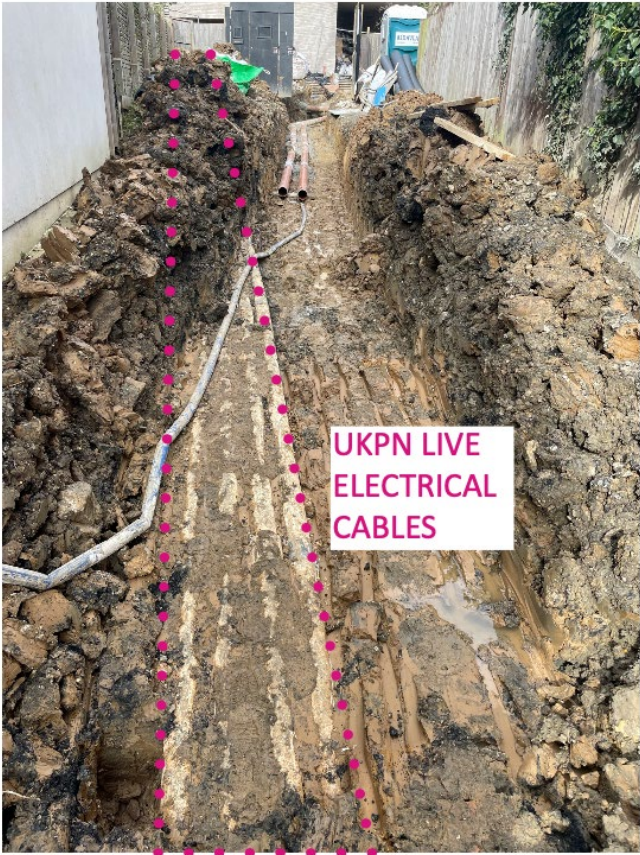
	A section of the soakaway has not been provided.
Additional Information	<i>“There is no pipework on this edge of the property and installing one would require breaking up the tarmac area and slab to connect to the rainwater drainage pipe.”</i>
Comment 1.	This statement is merely an observation. Lack of forethought is not a valid reason against taking necessary and reasonable remedial action to rectify a breach of planning control and building control, and mitigate the harm caused by those breaches. The cost of installing an ACO drain connected to below ground drainage would have been low/marginal had it been included in the original drainage plan. The cost and disruption of installing an ACO drain and connecting it to the underground drainage will be greater now. The developer’s actions fell below a reasonably required standard. If the developer had not breached planning control by raising the ground level of the garage forecourt by more than 1 meter this harm would not have occurred and an ACO drain would not be necessary. Further, the new and permanent harm of water flowing into gardens and buildings caused by raising ground levels and installing an inappropriate infiltration device in an unsuitable location was predicatable. Despite this, the Additional Information argues against taking <u>any</u> remedial action.
Comment 2.	The reasons proposed why a drain cannot be installed are based on incorrect information and are, therefore, without merit. Eg. the Additional Informations states that: <i>installing</i> [a drain] <i>would require breaking up the tarmac area and slab</i> As shown in the photograph below, the asphalt surface is laid on compacted hardcore. Further, if there is a hard concrete slab in all or part of this location, installing a drain would only require cutting a section, not breaking up the entire slab.

	
Additional Information	<i>“Furthermore, UKPN’s live cables stretch along the boundary which feed into the electricity substation in the adjacent property at Alford House. Digging in that area is not possible and UKPN have rights of way along the length of that boundary.”</i>
Comment 1.	As the photograph below confirms, the UKPN cables are not near the surface of the garage forecourt. This photograph was taken after the UKPN cables had been buried. Layers of black asphalt and yellow asphalt were later laid on top of the aggregate layer shown in the photograph. Installing an ACO drain would only require cutting into the asphalt along the left / north of the concrete foundation strip. There is no risk of coming into contact with the UKPN cables. Installing an ACO drain on right / south side of the foundation strip would pose no risk whatsoever to the cables. If the cables are located in this area, they are more than 1m below the level of the asphalt and soakaway.

Evidence	
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Comment 2.	The Additional Information states that: <i>“Digging in that area is not possible”</i> due to the presence of UKPN live electricity cables. This is not true. During the building works the UKPN cables were excavated on more that one occasion using a small digger. If digging was carried out to a depth exposing the cables, why is this not possible now?
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Evidence	
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Evidence	The photograph below – copied from page 6 the Application - confirms that the excavation exposing the UKPN cables is possible. It also shows the location of the cables relative to the underground draining pipes. An new ACO drain installed behind 11 Stanhope Gardens could be linked to the underground drainage pipes in the middle of the driveway without interfering with the UKPN cables. <i>Image 1</i>  6
Impact on Application	Invalidates Application

Comment 3.	The Additional Information states that <i>“UKPN have rights of way along the length of that boundary.”</i> The Additional Information suggests that the UKPN’s right of way contains an absolute prohibition on any excavation over the right of way. This is unlikely. As shown in previous photographs, UKPN have given consent to digging in the area covered by its right of way. The Developer should be asked to substantiate this statement. by providing the text of the relevant clause, plus the plan attached to the licence establishing the right of way and showing the path of the UKPN cables.
IMPACT ON APPLICATION	Absent new supporting evidence, invalidates application
Comment 4.	The Additional Information states: <i>“our civil engineer has confirmed the solution we have proposed is sufficient to mitigate the amount of water from the area in front of the garages.”</i> This is misleading. The letter from the HTS Civil Engineer (the Engineer) dated 24 July 2024 does not make this statement. The Engineer only says that the drainage provision across the site provides a <i>“betterment”</i>. A betterment is not the same as a sufficient solution. Further, the drainage provision is not a betterment regarding neighbouring properties. Previously, the rear gardens of properties adjacent to the southern boundary of One Pound Lane were above the ground level of the site. Boundary walls and an earth bank directed water away from gardens towards the driveway. This is noted by the Engineer: <i>“The historic flow paths over the site have been in a southerly direction – both towards the driveway and the UKPN access gate [MY NOTE – i.e. towards Alford House]. This was evidenced during construction where surface water flowing into the site during severe rain [sic] form neighbouring properties to the North: 24 to 30 Shepherds Hill. This water followed the natural flow paths to the South of the site towards the drive, UKPN access and existing defunct drainage system.”</i> I.e. water was observed flowing from the site onto the driveway between 11 & 13 Stanhope Gardens and into the grounds of

	Alford House. Water was not observed flowing into the rear gardens of neighbouring properties.
Comment 5.	The Additional Information continues: <i>"The addition of the sunken planters between the proposed new fence and the garage forecourt will operate to absorb any excess water."</i> This statement confirms that the sunken planters operate as soakaways. However, no calculation regarding the volume of water that will flow into the soakaway is provided. Data from the percolation test required by Building Regulations is also not provided. Perhaps this is because the test was not done? Or the test confirmed the statement in the Application and elsewhere that London clay soil is impermeable and water will not infiltrate at the required rate or at all? Absent this supporting data, the statement cannot be accepted on face value. Note: the south facing wall of the soakaway (adjacent to the rear gardens of 11 Stanhope Gardens) is open at the base. See photograph below. When the soil column is saturated, because water cannot infiltrate in to the impermeable clay, of necessity water will flow into the rear garden of 11 Stanhope Gardens, which is now 1 meter below the ground level of One Pound Lane. Previously, the rear garden of 11 Stanhope Gardens was above the ground level of the Pound Lane site immediately adjacent to the boundary.
Evidence	 Surface level of <u>soakaway</u> Wood fence retaining south side of <u>soakaway</u> Exposed side of <u>soakaway</u> Original ground level of 11 Stanhope Gardens Rear garden of 11 Stanhope Gardens adjacent to boundary with One Pound Lane

Comment 6.	The Additional Information states: <i>“I want to reiterate that the water runoff is only coming from the area in front of the garages.”</i> The area in front of the garage is in excess of 50m² and is paved with an impermeable material. Using the rainfall intensity data in Approved Document H, the drainage of paved areas must allow for 0.014 litres/second/ m² (or 0.016 for this area of north London). For a paved area of 50 m² this equates to 2520 (2880) litres of surface rainwater potentially entering the soakaway every hour (0.014/0.016 x 50 x 60 x 600). If the area is larger than 50m², the volume of water may be significantly greater. As shown in the proceeding photograph, there is no retaining wall at the base of the soakaway. The ground beneath the soakaway is impermeable London clay. Once the soil in the water column is saturated, all additional entering the soakaway will flow freely into the garden of 11 Stanhope Gardens.
Impact on Application	Invalidates Application
Haringey Request for Additional Information	<i>“Regarding change in levels – respond to the points raised regarding inaccuracies and changes.”</i>
Additional Information	<i>“The information provided by Mr Wells is not to scale and the source of the data is unverified. Our topographical survey was conducted by independent professional qualified surveyors. We can add nothing more on this.”</i>
Comment 1.	This statement is incorrect and misleading, either deliberately or recklessly. The drawings in my comments on the Application are supported by plans prepared by a professional GPS surveyor. See Schedule 1, pages 29 and 35. These are clearly identified as GPS plans. The GPS plans were created by Paul Mann, Land Surveyor / Measured Building Surveyor. They are a comparison of data Mr Mann collected in 2015 & 2016 (before the ground levels were raised) and a third survey In January 2024.

	The GPS plans show that the ground level adjacent to the side extension of 13 Stanhope Gardens has been raised 0.297m above the level of the damp proof course. The margin for error in Paul Mann's plans is 0.002m. The drawing submitted with my comments on the Application shows an increase above our damp proof course of 0.3m.
Comment 2.	The accuracy of the measurements in my drawings were confirmed by Russel Quick Haringey Principal Planning Enforcement Officer during a site inspection.
Comment 3.	The Developer had the opportunity to verify the accuracy of the plans by commissioning an architect/engineer/surveyor to investigate. Alternatively, the Developer could make their own investigation. No specialist equipment is required. A tape measure was sufficient for Mr Quick to confirm the accuracy of the plans in our objections during a short site visit. Despite the having more than 2 months to carry out an investigation, clearly this has not been undertaken. Access to 13 Stanhope Gardens is not required. An investigation of the change in ground levels at the north east corner of our side extension can only be carried out from the driveway of One Pound Lane. An investigation of the change in ground levels at the rear of the garden of 11 Stanhope Gardens could be carried out with a laser measure simply by leaning over the fence. Or by requesting access from the owners.
Evidence	See Schedule 1 pages 20 to 29
Comment 4.	Haringey Planning made the following request: “Regarding change in levels – respond to the points raised regarding inaccuracies and changes.” The Additional Information states: <i>“We can add nothing more on this.”</i> I.e. the Additional Information proposes there is nothing more they can add beyond making a statement that <i>“The information provided by Mr Wells is not to scale and the source of the data is unverified. Our topographical survey was conducted by independent professional qualified surveyors.”</i>

	This response is not a serious or good faith attempt to respond to Haringey's request. As demonstrated in the evidence and comments above, the statement in the Additional Information that the information in our objections to the Application is <i>"not to scale and the source of the data is unverified"</i> is incorrect, misleading and false. • The sources of the data are 3 GPS surveys and measurements taken on site. • The accuracy of the information has been verified by Russell Quick, Principal Planning Enforcement Officer. • The Developer had the opportunity and the means to undertake an investigation and present their own evidence. They have chosen not to undertake an investigation. Alternatively, they did undertake an investigation, but the investigation reconfirmed the measurements already confirmed a GPS survey and by Mr Quick during a site visit. • As the underlying data cannot be disputed, the Additional Information instead relies on unsupported and easily disprovable statements.
Comment 4. continued	The Additional Information has not responded <u>AT ALL</u> to the points A, B and C below regarding changes in levels:
	A. The increase in the ground level adjacent to the side extension of 13 Stanhope Gardens The Application shows an increase at this location of 0.28m. However, the Paul Mann GPS survey records an increase of 0.297m above the damp proof course. Photographic evidence – including a photograph in Application – show the original ground level was 0.15m below the ground level. The total increase in the ground level is therefore 0.447m / 44.7cm This increase was confirmed by a statement from Mark Ringshall, Building Inspector. Evidence: • Schedule 1, pages 27-33

	• A site inspection by Russell Quick confirmed the increase was 0.3m.
Comment 4. continued	B. An increase in the level of the new house on Pound Lane The Additional Information does not dispute any of the information in the comments and observations on the Application that demonstrate that the level of the House has been increased (See Schedule One pages 42 and 43). <u>This may be deemed as an admission that the observations and analysis in Schedule 1 are correct.</u> Further, the HTS / civil engineer report notes that the: <i>“area of impermeable paving to the south of the new garage which follows the historic topography and flow path.”</i> This statement is very obviously incorrect. Meriam Webster defines the topography as: <i>“the configuration of a surface including its relief and the position of its natural and man-made features”.</i> The topography of the site has changed greatly. A large house has been built to the east of the site and the Application states that the ground levels across the site have been raised by up to 70cm. The actual increase is more than 90cm. Alternatively, the HTS civil engineer could be using ‘topography’ to mean the just the gradient of the historic flow path. If the gradient has not changed, but the ground levels adjacent to the boundary with 11 Stanhope Gardens have increased (by 70cm as claimed in the Application. Or 90cm confirmed by the head of Haringey Planning Enforcement) this would indicate that the house has been raised by a similar amount.
Comment 4. continued	C. Increase in levels at the NE corner of the rear garden of 13 Stanhope Gardens The Additional Information does not rectify the non-provision in the Application of any information regarding drainage issues caused by raising of the ground level at the north east corner of the rear garden of 13 Stanhope

	Gardens. The ground has been raised by 0.8m and a soakaway has been installed. The soakaway breaches Building Regulations because: (i) it is within 2.5m of the boundary (the soakaway is in contact with the boundary); and (ii) it is situated on impermeable clay so water cannot infiltrate. The soakaway is also above the level of the adjacent rear garden of 13 Stanhope Gardens, so water in the soakaway will flow into our garden.
Evidence	See Schedule 1 pages 39 to 45 Note the Paul Mann GPS plan copied on page 39
Impact on Application	Invalidates Application
Haringey Request for Additional Information	<i>Regarding fencing details – as previously discussed the maximum height of the proposed fence should be indicated.</i>
Additional Information	<i>“We are not able to measure heights from within the neighbouring gardens. We can only measure from 1 Pound Lane. Using the [sic] existng topographical survey we can measure the fence height on the boundary from within our site. On the atached plan (240621 - Trellis Spot Levels) have marked individual heights to the top of the proposed trellis at the end of the gardens of 7, 9 and 11. We have also marked a maximum height for the fence and trellis running along the side boundary of No.13.”</i>
Comments	Access to neighbouring gardens was not requested. As detailed earlier, measuring the height of fences from the raised ground level of One Pound Lane (which was raised in breach of planning control) disguises the actual increase in the height of fences and boundary features experienced from within neighbouring gardens. A fence that is 2 meters in height measured from One Pound Lane may be 3 meters in height measured from the original ground level in neighbours' gardens In addition, the topographical plan attached to the Application has been shown to be material inaccurate at 2 locations (by the

	side extension of 13 Stanhope Gardens and behind the boundary fence between One Pound Lane and the rear garden of 11 Stanhope Gardens). Therefore, the data in the Application cannot be relied upon to determine the change in the height of boundary features.
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SCHEDULE 1

**Objection to retrospective
planning application
HGY/2024/0914**

**Submitted to Haringey Planning Enforcement
14 May 2024**

Case Reference: HGY/2024/0914

OBJECTION from Chris Hallatt Wells, 13 Stanhope Gdns

1. SUMMARY OF GROUNDS WHY THE APPLICATION IS INVALID

Application HGY/2024/0914 (the “**Application**”) is a retrospective planning application to authorise raising the ground level of the driveway and garage forecourt of One Pound Lane, Stanhope Gardens, N6 5TT by up to 700mm.

The Application records a site meeting on 18 January 2024 with Nathan Keyte (Haringey planning officer) and his confirmation on 25 January 2024 regarding how the application should proceed. The Application states the confirmation on 25 January 2024 detailed the **information that “was needed to make a determination.”** (Page 3, 1.2 Planning Queries, paragraph 7).

INFORMATION REQUIRED BY HARINGEY PLANNING	INFORMATION PROVIDED	IMPACT ON PLANNING APPLICATION	SUPPORTING EVIDENCE	PAGE
Site survey showing changes in ground levels	The survey attached to the Application is materially inaccurate.	Invalidates the Application	Site inspection Review of Site survey Photographs Independent GPS Survey	24-43
Information on changes to drainage	The Application provides no information at all on a material drainage issue that has already been identified by the head of Haringey Building Control as a breach of building regulations.	Invalidates the Application		36

	Information on a previously undisclosed soakaway has been provided. However, the information in the Application is incomplete (test data required by building regulations is not included), misleading or false.	Invalidates the Application		37-38
	The Application provides no information at all regarding the drainage issues caused by raising the ground level at the north east corner of the back garden of 13 Stanhope Gardens by 800mm. A raised flower bed has been installed at this location. Water in the raised flower bed will drain freely into 13 Stanhope Gardens.	Invalidates the application	Site inspection Photographs Independent GPS Survey	39-45
Has the level of the new house been increased? This can be considered to be within requirement to provide information on changes in ground levels	The Application states that the new house has not been raised. But the driveway has been raised to provide step free access. This is contradicted by a review of the East West elevations in the 2019 & 2024 applications. The 2019 application – before the ground level was raised – also shows step free access. If the level of the new house had not been raised the 2019 elevations would show	Invalidates the Application	Comparison of East/West elevations HGY/2019/3050 & HGY/2024/0914 Both elevations show step free access	46-47

	two or more steps to access the property			
Boundary details (ie. proposed changes to fencing)	The information relies on the accuracy of the site survey to measure fence heights. The survey is materially inaccurate, so information on the height of fences is misleading.	Invalidates the Application		48
Arboricultural Report	No comment	No comment		

The Application can also be shown to include materially false or misleading information and statements that are contradictory on other materially important matters.

- Haringey provided a list of the information required to make a determination.
- The necessary information has not been provided.
- The Application contains other materially false or misleading information.
- The application is therefore invalid.
- A decision to give retrospective planning permission to an apparently invalid application is unlikely to find favour on appeal, with the ombudsman or in judicial review. It may also breach of the council's duty of care. Especially so, as the granting retrospective planning permission would approve a previously known breach of building control (recognised as a breach of Building Regulations by Haringey Building Control) and newly identified breaches.
- The Application cannot be approved. Enforcement action is now needed.

2. SITE SURVEY SHOWING CHANGE IN GROUND LEVELS

2.1 INFORMATION PROVIDED IN THE APPLICATION TO DETAIL THE INCREASE IN GROUND HEIGHT

HGY/2024/0914 states:

- the level of driveway has been raised by up to **700mm** (Page 3, Heading 1.2, paragraph 8);
- *“we reiterate that the levels of the house have not been affected [by the increase in the ground level of the driveway and forecourt] and the house was constructed according to approved documents”* (Page 14, paragraph 3)

The evidence provided to support these and other statements is a GPS topographical plan reference SD231932-02 dated December 2023 produced by Technics. (the “**2023 Technics Plan**”).

The 2023 Technics Plan is a comparative study of:

- the data obtained by Technics when they surveyed the site in December 2023 (after the levels had been raised)

AND

- results from an earlier GPS topographical survey carried out by Taylor Tripp (reference TT Red.701 Site Survey dated 29.9.16) before the ground levels were raised (the “**2016 Taylor Tripp Plan**”).

It can easily be demonstrated by a desk based review and confirmed with a site visit that one or both of these topographical plans is inaccurate and cannot be used to make a determination of the Application. No specialist equipment is required. A tape measure and spirit level are sufficient.

Whilst specialist surveying equipment is not necessary to demonstrate errors in the 2023 Technics Plan, we have commissioned an independent GPS survey to provide additional proof. Our survey relies on data collected in 2016 for a survey relating to the building of the side extension of 13 Stanhope Gardens and a new survey in 2024 to create profiles of the driveway to Pound Lane.

2.2 EXAMPLES OF INCORRECT/MISLEADING INFORMATION IN THE 2023 TECHNICS PLAN

The following examples demonstrate beyond reasonable doubt that the 2023 Technics Plan is materially inaccurate.

We propose that because the information on the change in ground levels provided by the developer has been shown to be inaccurate in these separate locations, all information on the change in ground levels it should be considered suspect and cannot be relied upon to make a determination.

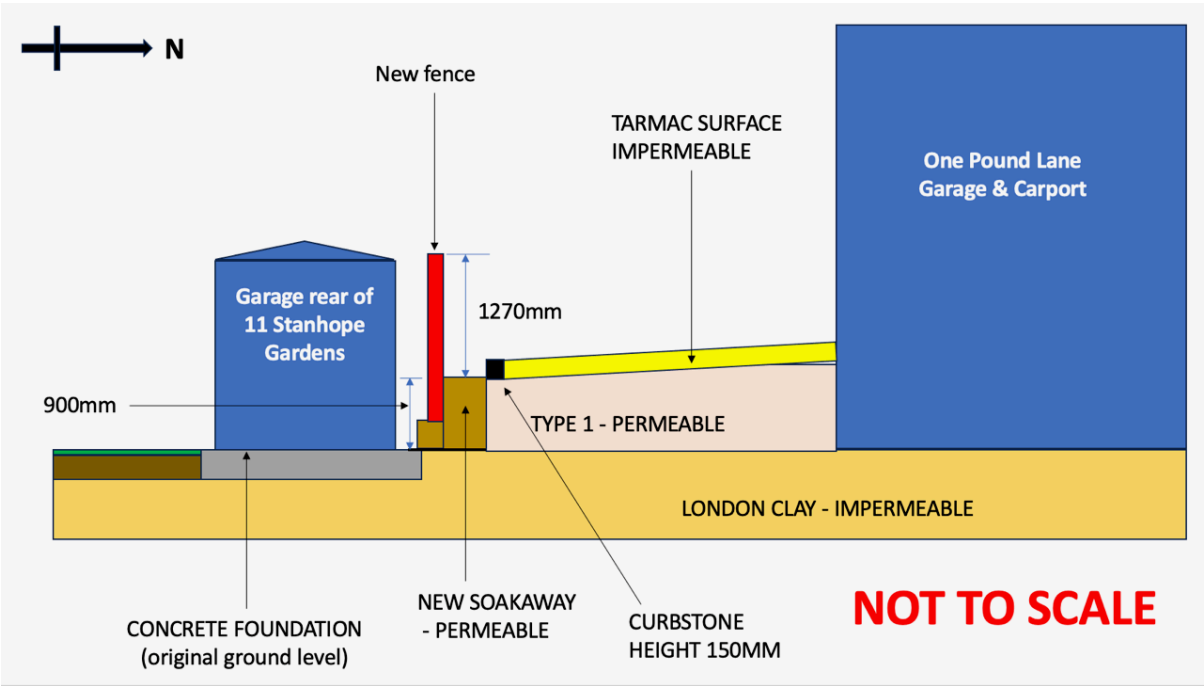
The incorrect information is material

- **The Application seeks to obtain retrospective planning consent that would permit consequential breaches of building regulations. Haringey's Planning Guidance states that the input of building control will usually be required when considering a retrospective planning application. To give an informed opinion Haringey Building Control will require complete and accurate information. We strongly propose that Haringey Building Control will have a negative view on the merits of a retrospective planning permission that materially breached building regulations.**
- **A decision to approve HGY/2024/0914 relying on the materially inaccurate topographical survey information will be open to challenge on appeal, by the ombudsman and at judicial review.**
- **A decision to approve HGY/2024/0914 made in the knowledge that the information on the ground levels is demonstrably unreliable, breaches building regulations and will cause harm to other residents, would likely be a breach of Haringey's duty of care.**
- **Even if retrospective planning permission is given to raise ground levels, the ground has been raised by more than 1 meter so the development will still be in breach of planning control.**
- **Contrary to explicit statements in the application, it appears likely that the level of new house may also have been raised.**

EXAMPLE ONE

Location: garage at rear of 11 Stanhope Gardens & garage forecourt 1 Pound Lane

ISSUE	DESCRIPTION	EVIDENCE
Increase in ground level beyond 700mm	The Application seeks consent to increase ground levels by up to 700mm. The ground level at this point has been raised by 1015mm	• Drawing • Photograph • Site visit



The spirit level indicates the raised ground level on the otherside of the new fence.

The soil below the fence is part of the new soakaway strip installed by the developer.

The concrete visible below the soil is the original ground level. The concrete is the foundation of the no. 11's garage.

The increase in the ground level is measured from the concrete to the spirit level plus the height of the curbstone shown in the drawing.

This increase is approximately 105mm

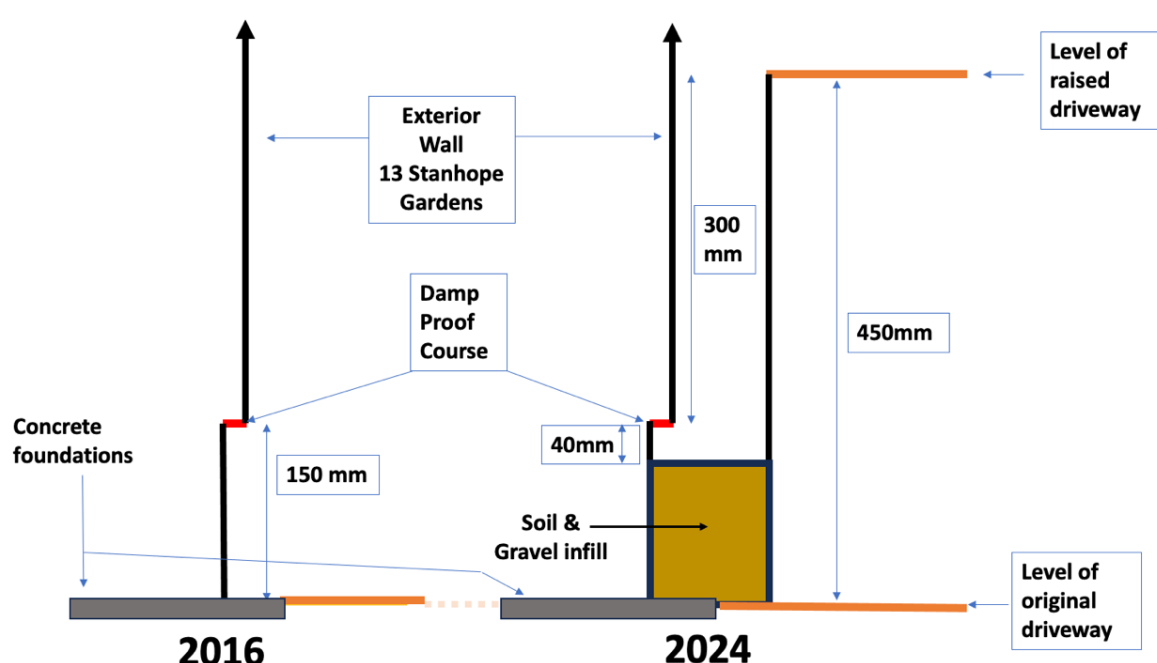
NOTE: there is no retaining structure below the fence to support the side of the soakaway or to prevent water draining freely into the garden of no. 11.

EXAMPLE TWO

Location: north east corner of side extension of 13 Stanhope Gardens

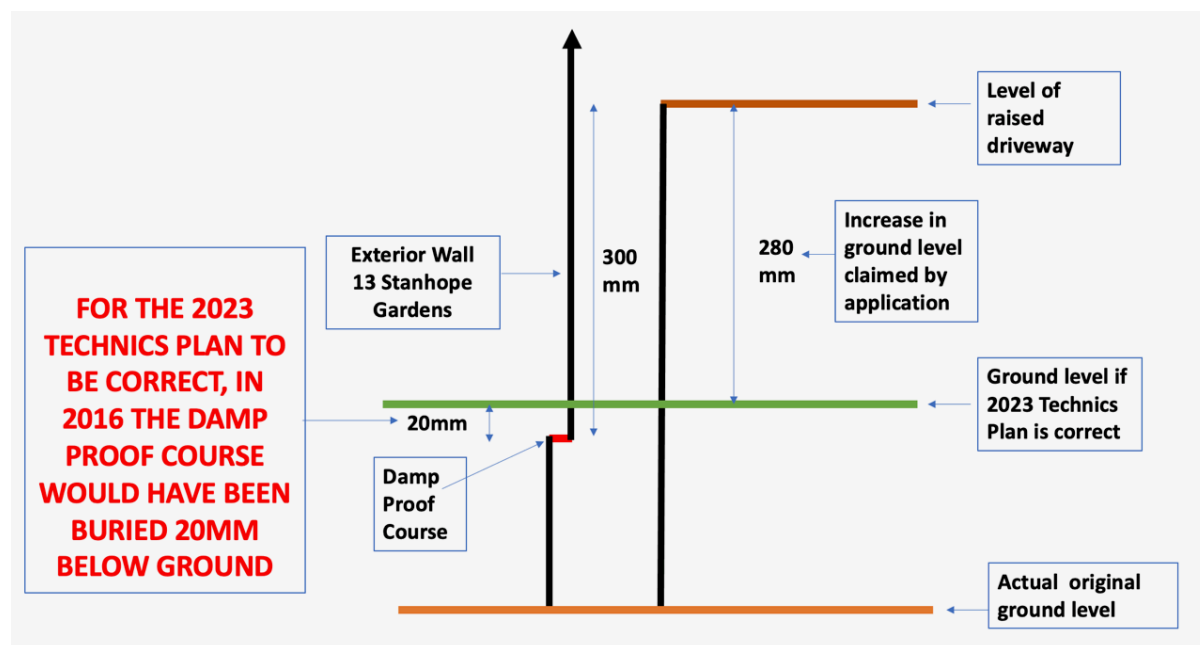
ISSUE	DESCRIPTION	EVIDENCE
Increase in ground level above the damp proof course ("DPC") of 13 Stanhope Gardens	Prior to the building of One Pound Lane the DPC of the side extension of 13 Stanhope Gardens was at least 150mm above the adjacent ground and the original driveway. The ground level of the driveway is now 300mm above the level of the DPC. This indicates that the ground level has been raised at least 450mm (i.e. 150mm + 300mm). The 2023 Technics Plan incorrectly shows that the ground has only been increased by 280mm	• Drawings below • Photograph • Independent GPS site survey comparing ground levels in 2016 & 2024 • Site visit

Drawing showing the change in ground levels between 2016 and 2024. This can be confirmed by a site inspection



Example 2. Continued

The 2023 Technics Plan shows incorrectly that the ground level has only been increased by 280mm. If the 2023 Technics Plan was correct the DPC of 13 Stanhope Gardens would have been 20mm below ground in 2016 (see drawing below).



The evidence shows that the clearance between the DPC and adjacent ground from 2016 (until the ground level was raised) was at least 150mm as required by Building Regulations. The 2023 Technics plan must therefore be incorrect.

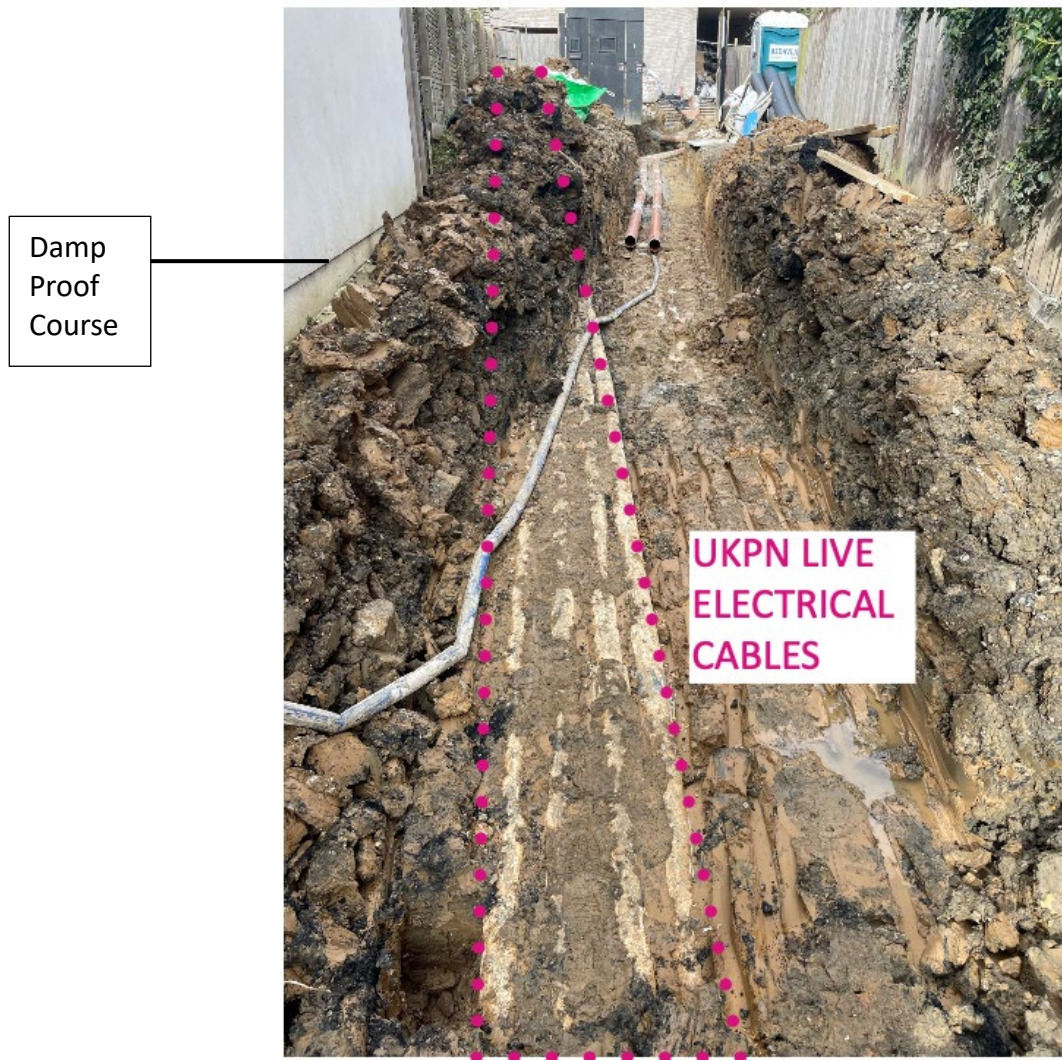
The errors in the 2023 Technics Plan are confirmed by:

- A. **photograph copied from the developer's own application HGY/2024/0914**
- B. statement from the building control inspector who issued the final certificate for the new ground floor side extension of No. 13 in 2016. The statement confirms that in 2016 the clearance between the DPC and the adjacent ground was at least 150mm; in compliance with building regulations. The full photographic record over an 8 year time horizon shows that the DPC was at least 215mm (i.e. the height of a course of standard concrete blocks) above the adjacent ground
- C. photographs taken by a party wall surveyor prior to the change in ground level
- D. photographs taken in 2023 showing the current situation. These can be confirmed by a site inspection.
- E. Independent GPS site survey showing the change in the level of the driveway relative to the damp proof course of 13 Stanhope Gardens

Example 2. continued

A. Image 1 copied from page 6 of application HGY/2024/0914

Image 1



6

Image 1 shows that the damp proof course of 13 Stanhope Gardens (on the left side of the picture) was above the level of the adjacent ground even whilst the excavation of the driveway to install services was underway. Note that Image 1 was submitted by the developer in its application.

Image 1 was taken before May 2023

Example 2. Continued

B. Statement from Mark Ringshall, building control Inspector dated 29 April 2024

The statement confirms that the damp proof course was at least 150mm above the adjacent surface and compliant with Building Regulations when he issued the final certificate for the side extension of 13 Stanhope Gardens in 2016.



Mark Ringshall

RE: 13 Stanhope Gardens, London, N6 5TT

To: Chris Hallatt Wells

29 April 2024 at 10:59



Dear Chris

Further to our discussions I can confirm that the Damp Proof Course level was at least 150mm above the external ground level for the new extension at the time we completed our final inspection. As a result, we were able to confirm compliance with the Building Regulations and issue the completion certificate.

Kind Regards

Mark Ringshall BSc (Hons) FCABE C Build E MCIQB DMS

Director

T: 0191 375 38 76

M: 07584 583102



IMPORTANT NEWS:

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Example 2. Continued

C. Photograph taken by Paul Brettel MFPWS (party wall surveyor) on 14 February 2022

Taken prior to the start of the building work at One Pound Lane, the photograph shows that the clearance at the north east corner of the side extension of 13 Stanhope Gardens in 2022 was at least 150mm - as required by Building Regulations and confirmed by Building Control.

We have a comprehensive photographic record over an 9 year time horizon. The full photographic record demonstrates that the damp proof course was actually a minimum of 215mm above the adjacent land in 2016.

2016

Damp
Proof
Course

Ground level before
the driveway was
raised in 2023



Example 2. Continued

- D. Photographs taken in August 2023 after the ground level was raised in breach of planning control.



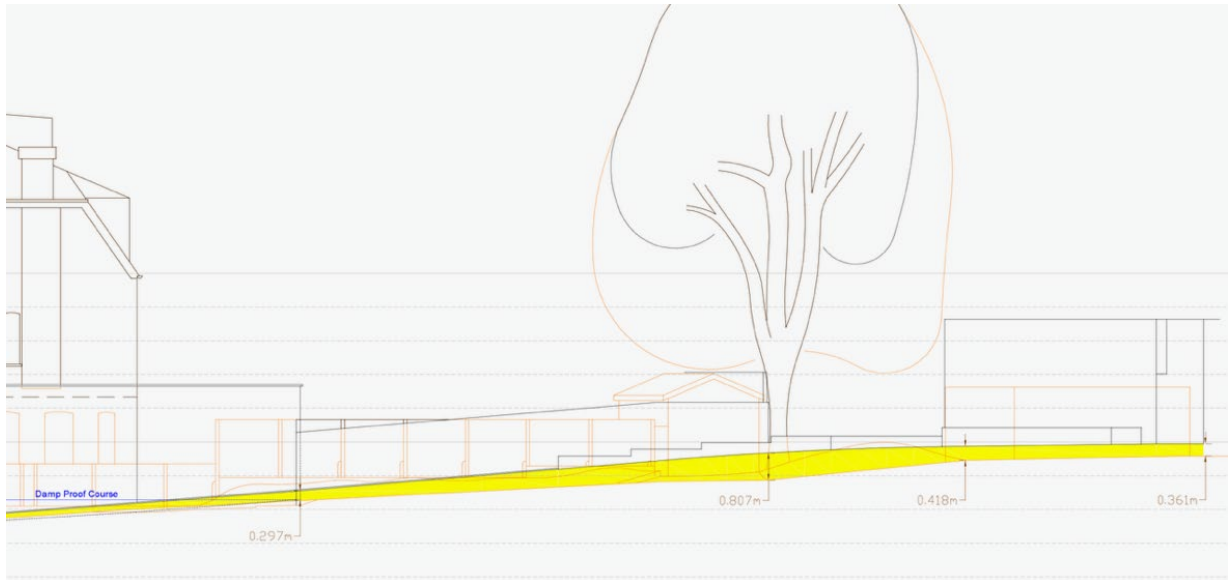
2023



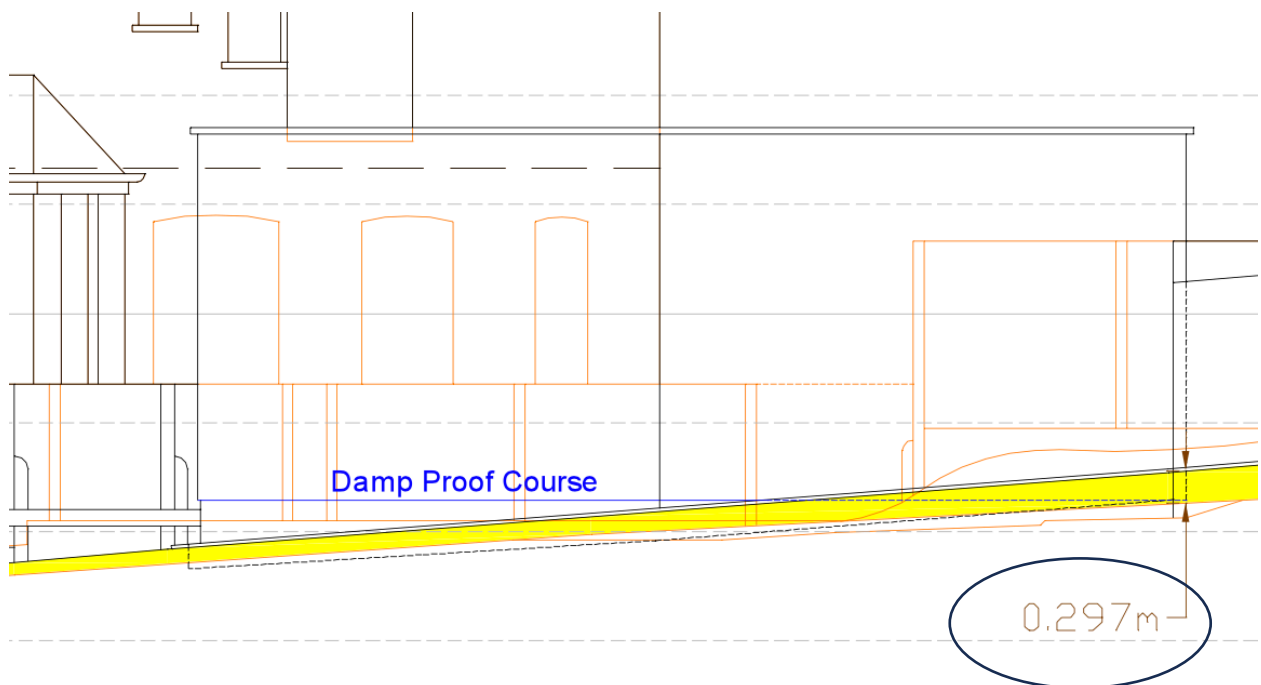
2023

Example 2. Continued

E. Independent GPS site survey showing the change in the profile of the driveway between 2015 and 2024



Extract from the 2024 survey highlighting the change in the level of the driveway relative to the height of the damp proof course of 13 Stanhope Gardens.



3. INFORMATION ON CHANGES TO DRAINAGE

ISSUE	DESCRIPTION	EVIDENCE	EFFECT ON PLANNING APPLICATION
New soakaway behind 7, 9, & 11 Stanhope Gardens	The information provided is incorrect and misleading	Site inspection	Invalidates the Application
Undisclosed new soakaway/raised flower bed at the north east corner of 13 Stanhope Gardens	No information has been provided. The level of the raised flower bed is above the ground level of the outdoor seating area at the rear of 13 Stanhope Gardens	i. Site inspection ii. Photographs	Invalidates the Application
Raising the driveway above the damp proof course along the side extension of 13 Stanhope Gardens	No information has been provided at all. The Head of Haringey Building Control has confirmed raising the ground level breaches Building Regulations Approved Document H (Drainage)	i. Site inspection ii. Drawing iii. Photographs iv. Email from Head of Haringey Building Control to Haringey Principal Planning Enforcement Officer	Invalidates the Application
Raising the driveway 800mm at the north east corner of the back garden of 13 Stanhope Gardens	No information has been provided at all	i. Site inspection ii. Photographs iii. Independent GPS site survey	Invalidates the Application
Increase in the water logging of gardens south of the new house.	No information has been provided.	Site inspection	

After the new house was built, our garden is often waterlogged with pools of standing water on the lawn. Previously this was never an issue, even during periods of heavy rain.			
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The Application records that the Mr Keyte, Planning Officer Haringey, confirmed on 25 January 2024 that:

“Any change to drainage that may occur as a result of the works should be stated.” (page 3, 1.2 Planning Queries paragraph 7)

However, The Application does not comply with the requirement confirmed by Mr Keyte on 25 January 2024

- A known change in drainage that has occurred as a result of the works has not been stated although it has been identified as a breach of drainage building regulations (Approved Document H).
- New information that has been provided on a previously undisclosed change to drainage is:
 - Misleading; and
 - Does not contain sufficient information to make a determination. Eg. the application does not contain the results of the percolation tests required by Building Regulations regarding the soakaway that has already been installed behind the rear gardens of 7, 9 & 11 Stanhope Gardens. Without these calculations (if they exist) the merits of the soakaway cannot be considered.
- No information has been provided regarding drainage issues caused by raising the ground level at the north east corner of the back garden of 13 Stanhope Gardens by +800mm and installing a raised flower bed with a soakaway. The raised flower bed is 500mm above the level of 13 Stanhope Garden and excess water will drain freely into 13 Stanhope Garden.

3.1 Information on change to drainage adjacent to side extension of 13 Stanhope Gardens

In October 2023 the lead Building Surveyor of Haringey Building Control (in an email to the head of Haringey Planning Enforcement) confirmed that the unauthorised raising of the ground level in the driveway contravenes Building Regulations regarding protection against the ingress of water (Approved Document H).

The developer and/or their agents (including architects, builders & surveyors) are aware that increasing the ground level in this area breaches building regulations.

However, the Application contains no information at all regarding the negative impact on drainage and breach of building regulations caused by the raising of the ground level of the driveway.

Haringey's Guide to Planning Enforcement states: *"For retrospective planning applications and negotiations the input of Development Management, Conservation and Urban Design, Building Control [.....] will usually be necessary."*

When considering the merits of this retrospective planning application we strongly suggest that the advice of Haringey's Principal Building Surveyor (that the unapproved work contravenes UK building regulations) will be persuasive.

However, application HGY/2024/0914 has omitted to provide any of the information required for Haringey Building Control to give informed input on the breaches of building regulations and solutions.

3.2 New Soakaway behind 7, 9 & 11 Stanhope Gardens

Page 13, section 5.0 Drainage Design of the application states:

“The soil on site was predominantly of the London clay type, known for its poor water permeability. The natural slope of the land meant that, previously, the site drained freely into the gardens of no 9 and 11 Stanhope Gardens”.

Page 14 paragraph 5 states:

“This document also sets out the proposed drainage provisions including the new soakaway strip along the boundary which will greatly improve on the previous situation and has been designed to prevent water runoff onto neighbouring properties.”

However:

- Prior to the unlawful increase in the ground level water did not drain freely into the gardens of no 9 and 11 Stanhope Gardens. A low earth bank along the boundary between the site and 7, 9 & 11 Stanhope Gardens directed water away from the boundary and into rainwater drainage.
 - The soakaway is not an improvement on the previous situation. Breaching building control regulations resulting in a new permanent risk of flooding is not an improvement.
- As the Application states, the soakaway strip is along the boundary with 11 Stanhope Gardens:
 - Building Regulations prohibit the installation of a soakaway within 1.5 meters of a boundary and within 5 meters of a building.
 - The soakaway is less than 1 meter from the garage at the rear of 11 Stanhope Gardens. A garage falls within the legal definition of a building for the purposes of Building Control.
- The soakaway will not prevent water runoff onto neighbouring properties because the soakaway is above the adjacent ground (see photograph below) As the application notes, the soil type is impermeable clay. Water entering the soakaway will percolate through the soakaway until it reaches the impermeable clay. It will then drain freely into the gardens of 9 and 11 Stanhope Gardens.

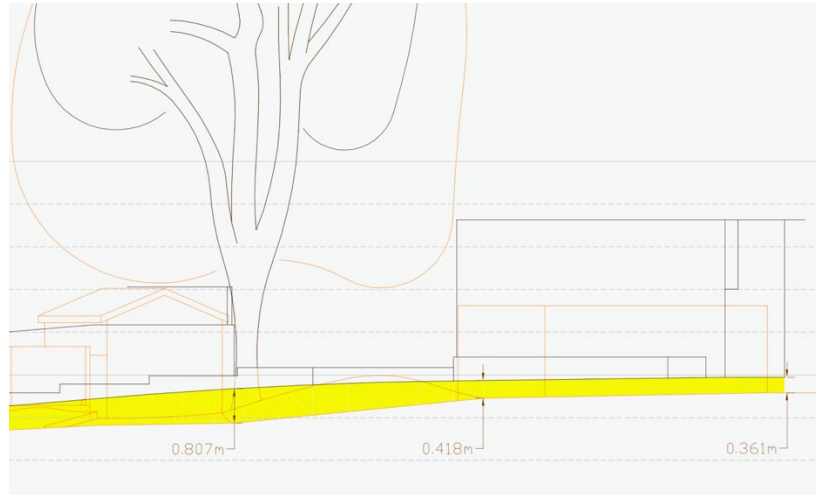


Raised ground level of Pound Lane garage forecourt on the other side of the fence

Height of soakaway above original ground level

Original ground level

3.3 Change to drainage caused by raising the ground level at the north east corner of 13 Stanhope Gardens by +800mm



Extract from independent GPS site survey confirming that the driveway has been raised by 0.807m at this location.

The surface adjacent to the paved out door seating area in the back garden of 13 Stanhope Gardens is 400mm below the level of the raised flower bed installed at this location. I.e. if the driveway had not been raised by 800mm the level of the flower bed would be below the paved area in 13 Stanhope Gardens.

Page 13, section 5.0 Drainage Design of the application states:

“The soil on site was predominantly of the London clay type, known for its poor water permeability”

- This statement recognises that excess water will not percolate into the ground. A small and shallow soakaway has been installed. However, as the above statement records, the soil type is London clay and water will not drain off into the soakaway. Instead, excess water will drain freely into 13 Stanhope Gardens.
- The raised flower bed is enclosed on three of four sides by a very substantial concrete and brick retaining wall. The retaining wall consists of a poured concrete structure topped with concrete blocks and faced with red brick.
- The three sides that retained are those facing towards the driveway of Pound Lane. The side facing towards 13 Stanhope Gardens is open, as shown in the photographs. A wood fence has been installed on the open side.

- Two vertical weep holes are visible in the south facing end of the retaining wall. These appear to be cosmetic rather than functional.
 - The weep holes are above the level of the garden of 13 Stanhope Gardens, so excess water will always drain into Stanhope Gardens rather than through the weep holes.
 - The photographs suggest that the weepholes do not go through the concrete structure of the retaining wall behind the brick facing.

Photographs taken 2016

The photograph shows the level of the original driveway relative to the baton fence of 13 Stanhope Gardens and the concrete ramp where the raised flower bed has been installed. Previously the ramp provided access to the garage of 13 Stanhope Gardens (now removed)



Area where
the raised
flower bed has
been installed

Photographs taken May 2023

The photographs show that the retaining wall is substantially higher than the garden of 13 Stanhope Gardens visible through the horizontal baton fence. The grassed area of the garden is level with the bottom of the second/middle railway sleeper.

The panel fence and the baton fence shown in the photographs belong to 13 Stanhope Gardens.

The photographs also demonstrate the robust construction of the retaining wall.

Weep holes are
not visible

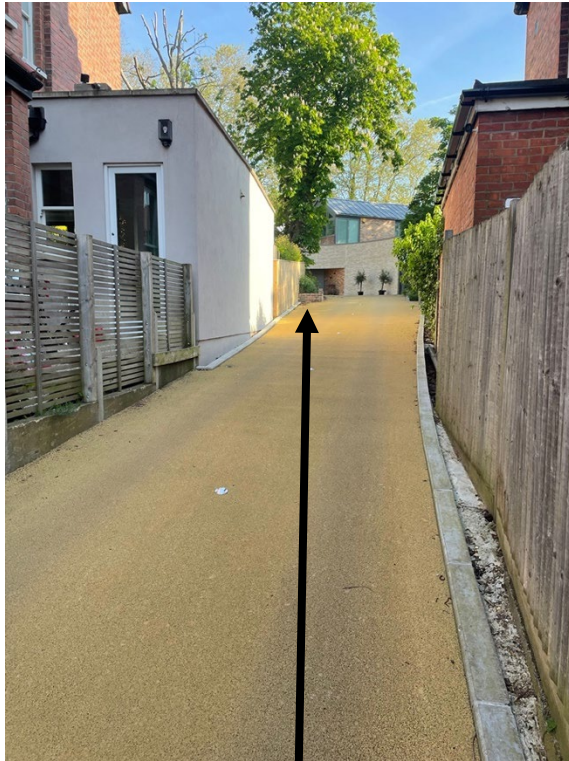




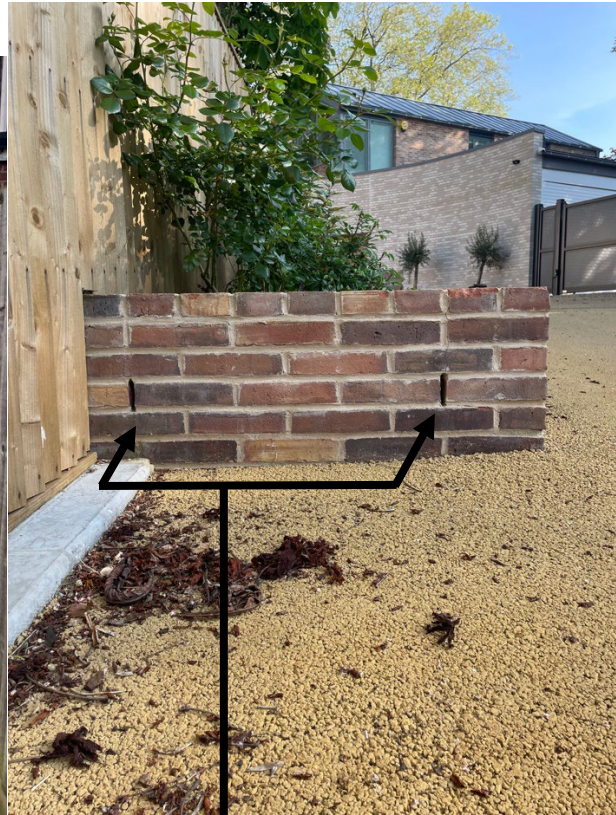


Soakaway

The base of the soakaway is above the level of the grassed lawn of 13 Stanhope



Raised flower bed



Weep holes:

Cosmetic not functional.

The weep holes are above level of adjacent garden.

A retaining wall has not been installed along the boundary with 13 Stanhope Gardens. Water will drain freely into Stanhope Gardens before it reaches the weep holes.



4. INFORMATION ON CHANGE TO LEVEL OF THE NEW HOUSE

ISSUE	DESCRIPTION	EVIDENCE	EFFECT ON PLANNING APPLICATION
Has the level of the new house been increased?	The Application states that the new house has not been raised. But the driveway has been raised to provide step free access. This is contradicted by a review of the East West elevations in the 2019 & 2024 applications. The 2019 application – before the ground level was raised – also shows step free access. If the level of the new house had not been raised the 2019 elevations would show two or more steps to access the property	Comparison of East/West elevations HGY/2019/3050 & HGY/2024/0914 Both elevations show step free access AND Timeline: • The reason given for increasing ground levels is an unexpected problem with buried UKPN powercables. • However, the new house was structurally complete before the problem was discovered.	Invalidates the Application

- **Page 4 of the application, 1.4 paragraph 1 states:**

“Increased levels at the driveway area up to 700mm from the original ground level to accommodate the utilities servicing the house. Refer to the topographical survey (ref: SD231932-02) of the current levels on page 5. Note that the levels of the house were not altered and kept in line with the approved planning application.”

- **Page 6, paragraph 1 states:**

“Adjustments to the ground levels on the upperdriveway and on the garage forecourt were then made to align with the interior of the house to create step-free access for mobility reasons.”

- **These statements are contradictory.**
 - A site investigation will show that the ground level has been increased by more than 1 meter along the boundary with no 9 & 11 Stanhope Gardens. The Application says the upper driveway has been raised by 300mm to 700mm
 - If the upper driveway and garage forecourt have been raised and the East/West Elevation drawings HGY/2019/3050 also show step-free access, this would indicate that the house has been raised by a similar amount.
 - If the house has not been raised, the East/West Elevation drawings HGY/2019/3050 would show steps to the front door.
- **The timing is inconsistent**
 - The reason given for increasing ground levels is an unexpected problem caused by electricity cables in the driveway. However, the cables were not exposed until February 2023 after the structure of the house had been completed.
 - If the house has been raised, this is not due to the presence of the electricity cables in the driveway.
- Further, if the driveway and forecourt were raised due to the drains/power cables issue, why was this not disclosed to earlier? Eg. when Haringey Planning Enforcement issued an instruction to the developer to reduce the level of the hardcore before the tarmac layers were added.

5. INFORMATION ON CHANGE TO HEIGHT OF FENCES

- Annotations on Page 10 of the Application state that the height of fences is measured from the ground level (GL) of Pound Lane.
- Due to the inadequacies of the 2023 Technics Plan a fence that is 2 meters in height above the new ground level of One Pound Lane may be more than 3 meters above the natural ground level prior to the increase in height. Eg. behind the gardens of 11 Stanhope Gardens.
- Whether the height of fences is measured from the original or new ground levels is material to consider the merits of the application.

6. SUMMARY

HGY/2024/0914 is a retrospective planning application to increase the ground level of the driveway and garage forecourt of One Pound Lane, Stanhope Gardens, N6 5TT.

The Application is required because the developer of Pound Lane raised the ground level of the driveway and garage forecourt by more than 300mm. Raising ground levels by more than 300mm requires planning consent.

In addition, Haringey Planning Enforcement has previously determined that the unauthorised work meets the definition of an engineering operation. Therefore, increasing the level of the driveway would require planning consent even if the levels had been raised by less than 300mm.

The application does not provide the information needed to make a determination on the merits of the application and is therefore invalid.

Further, the application seeks to authorise known breaches of building regulations, including breaches confirmed by the Head of Haringey Building Control. Giving retrospective consent to breaches of building control is contrary to:

- The building control regime established by statute
- Government and Haringey's planning guidance
- Public policy to maintain public confidence in the planning system.

A decision to give retrospective planning permission to an invalid application which approves known breaches of building control is unlikely to find favour with the ombudsman or in judicial review. It may also breach of the council's duty of care.